

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT MC CURRY, et al.,	)	
	)	
Plaintiffs,	)	8:08CV448
	)	
vs.	)	ORDER TO SHOW CAUSE
	)	
CITY OF OMAHA, et al.,	)	
	)	
Defendants.	)	

This matter is before the court *sua sponte* and pursuant to [NECivR 41.1](#), which states in pertinent part: "The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on October 7, 2008. See [Filing No. 1](#). Accordingly, the deadline for service of process expired **on or about February 4, 2009**. No summons has been requested and there is no proof of service of process on the defendants. Therefore, the plaintiffs must make a showing of good cause for the failure of service or the action must be dismissed as against the defendants. Upon consideration,

**IT IS ORDERED:**

The plaintiffs shall show cause why this case should not be dismissed for failure to prosecute. The showing of cause shall be filed electronically on or before the close of business **on February 19, 2009**.

Dated this 5th day of February, 2009.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge